

LAND USE APPLICATION SUMMARY

Property Location: 15 West 37th Street
Project Name: The Sundial Apartments
Prepared By: Aaron Hanauer, Senior City Planner, (612) 673-2494
Applicant: Heirloom Properties LLC
Project Contact: Heirloom Properties LLC, Jim Kumon
Request: To allow for a three-story, 12-unit building

Dwelling Units	12 dwelling units
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Required Applications:

Variance	Variance to reduce the front yard setback along 37th Street West (RETURNED)
Variance	Variance to reduce the eastern interior side yard setback from five feet to 0 feet to allow for a bike parking enclosure.
Variance	Variance to reduce the western interior side yard setback from 15 feet to 9 feet to allow for primary entrances and a variance to reduce the western interior side yard setback from five feet to 0 feet to allow for ground level patios.
Variance	Variance to reduce the rear yard setback from 5 feet to 0 feet to allow for a trash enclosure, bike storage enclosure, transformer, and ground level patios.
Variance	Variance to vary the screening requirements for a transformer.
Site Plan Review	To allow for a three-story, 12-unit apartment building

SITE DATA

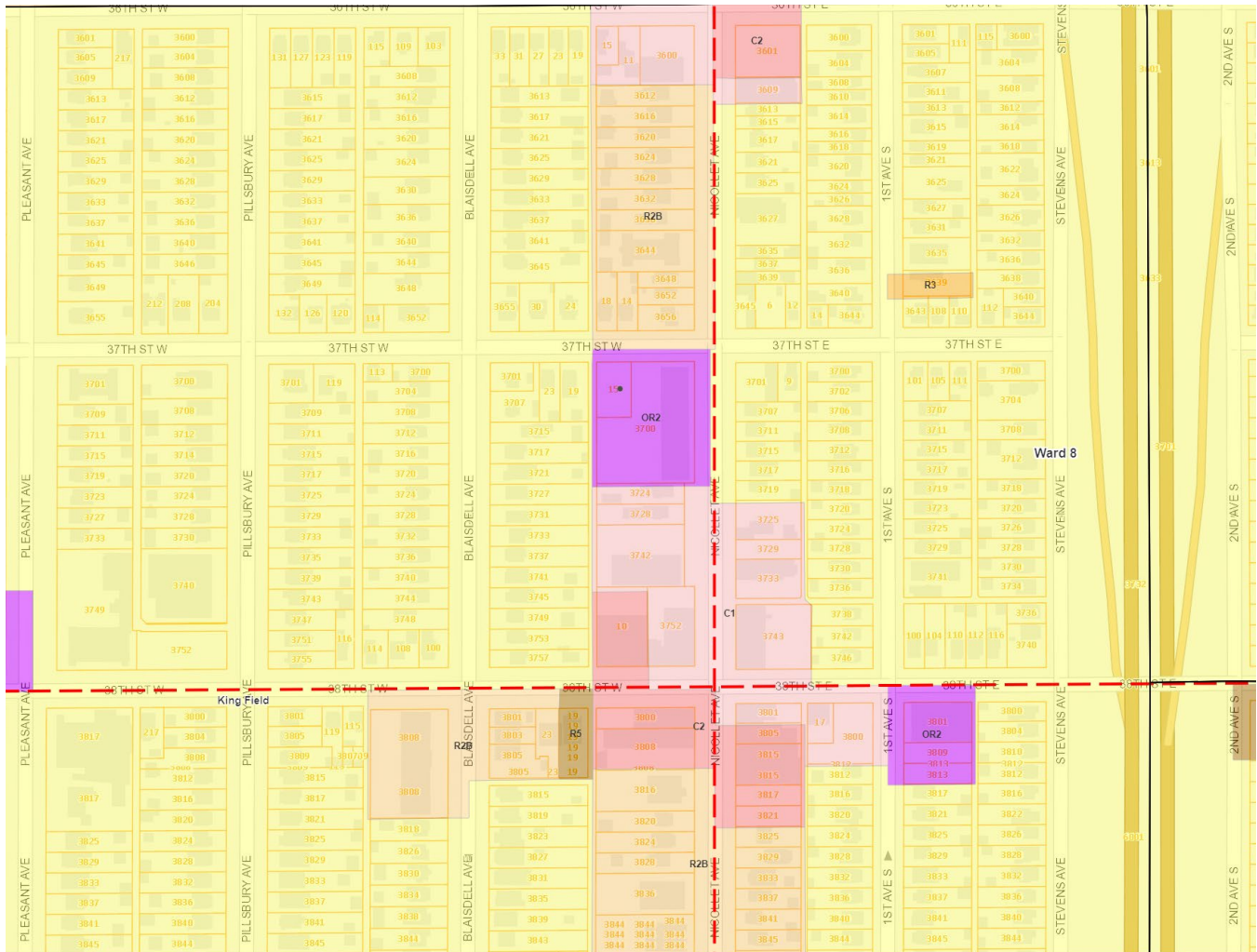
Existing Zoning	OR2 High Density Office Residence District
Lot Area	7,169 square feet / 0.16 acres
Ward(s)	8
Neighborhood(s)	King Field
Future Land Use	Corridor Mixed Use
Goods and Services Corridor	Nicollet Avenue Goods and Services Corridor
Built Form	Corridor 6

Date Application Deemed Complete	October 22, 2020	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	December 21, 2020	End of 120-Day Decision Period	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The lot at 15 West 37th Street, which is currently vacant, was subdivided to its current configuration when the lot at 3700 Nicollet Avenue was developed by Beacon Interfaith Housing in 2008. The subject site is located just to the west of Nicollet Avenue and is zoned OR2/High Density Residence District. A public alley is located to the west of the project site that runs from West 37th Street to West 38th Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The properties along Nicollet Avenue to the south of the subject property are zoned commercial (C1/Neighborhood Commercial District and C2/Neighborhood Corridor Commercial District). Most of the other properties within a 400-foot radius are zoned R1A/Multiple Family District and R2B/Multiple Family District.



PROJECT DESCRIPTION. The proposed, three-story, 12-unit building would be clad mainly in masonry. The proposed unit mix is four 2-bedroom units, six 1-bedroom units, one studio unit, and one 5-bedroom multi-level unit; two of the proposed units include live-work spaces. Rooftop solar panels and a solar photovoltaic film are proposed for the rear elevation. Enclosed structures are proposed at the rear of the site for bike parking and trash/recycling and ground level patio areas would be located at the rear and along the western interior side.

In the public notice, staff noted that there was a variance request to reduce the front yard setback. However, after further analysis, a front yard setback variance is not required as the proposed building would meet the 15-foot

OR2 High Density Office Residence District setback requirement. In addition, the project site is not subject to an established front yard setback as the enclosed portion of the neighboring residential property to the west is setback 20 feet from the front property line (the open front porch is setback 15 feet from the front property line but the enclosed/living space of the house is setback 20 feet from the front property line).

RELATED APPROVALS.

Planning Case #	Application(s)	Description	Action
PL-231	Plat	Final Plat	Approved (2009)
BZZ-4181, PL-231, VAC1550	CUP, Variance, Site Plan Review	3-story, mixed-use building at 3700 Nicollet Avenue	Approved (2008)

PUBLIC COMMENTS. As of the publication of the staff report, no public comments have been received. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to

- To reduce the eastern interior side yard setback from five feet to 0 feet to allow for a bike parking enclosure;
- To reduce the western interior side yard setback from 15 feet to 9 feet to allow for primary entrances (535.250. - Interior side yards for dwellings with side entrances) and a variance to reduce the western interior side yard setback from five feet to 0 feet to allow for ground level patios;
- To reduce the rear yard setback from 5 feet to 0 feet to allow for a trash enclosure, bike storage enclosure, transformer, and ground level patios.

based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Practical difficulties exist in complying with the ordinance and the rear yard and interior side yard setbacks because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone. A typical residential lot in Minneapolis is at least 125 feet in depth. However, the project site is only 107 feet deep. The shallow lot depth decreases the buildable area of the site and makes it challenging to meet all interior side and rear yard setbacks. This circumstance is a result of a plat from 2009 and was not created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The variances are required for patios, a bike shelter, a trash enclosure and a transformer. The intent of yard setback requirements is to preserve access to light and air between uses. The proposed building and elements requiring a setback variance are still more than 30 feet from the closest habitable portion of a neighboring residential building. In addition, even

with a lot that is 18 feet shallower than a typical lot, the applicant is proposing to have the building comply with all setback yard requirements.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variances will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal would be a high quality and sensitive transition between a parcel to the west that calls for greater intensity (Corridor Mixed Use Future Land Use/Corridor 6 Built Form guidance along with the Nicollet Avenue Goods and Services Corridor) and parcels to the east that call for less intensity (Urban Neighborhood Future Land Use/Interior 3 Built Form guidance).

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to vary the screening requirements for a transformer based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

As outlined in Section 535.70 – Screening of mechanical equipment, mechanical equipment, including transformers are required to be screened on all sides of the equipment that is at least 60 percent opaque and to be as tall as the equipment it is intended to screen. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone. Xcel Energy requires that there be 10 feet of separation between a transformer and a building and that screening/fencing/landscaping be 2.5 feet away from the transformer. Given the subject property is 18 feet shallower than a typical lot in Minneapolis and Xcel Energy's distance requirements for transformer equipment from a building, along with Xcel Energy's spacing requirement for transformer screening, it creates challenges to screen the proposed transformer in compliance with the Minneapolis zoning code.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

As conditioned, the property owner proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. To improve the appearance of the transformer and to meet the intent of Section 535.70 – Screening of mechanical equipment, CPED is recommending that in consultation with Xcel Energy a decorative vinyl wrap or equivalent decorative element shall be installed on all four sides of the transformer. The applicant is supportive of this condition of approval.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

As conditioned, the proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The placement of the transformer is at the rear of the lot and far away from neighboring residential

structures. In addition, the installation of a decorative vinyl wrap or equivalent decorative element will improve the appearance for those living at the subject property and those passing by.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

Applicable Standards of Chapter 530, Site Plan Review

BUILDING PLACEMENT AND DESIGN

Building placement – Meets requirements

- The proposed project would comply with the building placement standards.

Principal entrances – Meets requirements

- The project would comply with the principal entrances standards with a principal entrance that fronts the front property line along 37th Street West.

Visual interest – Meets requirements

- The proposed project would comply with the visual interest standards.

Exterior materials – Meets requirements

- The applicant is proposing masonry and metal panels as the primary exterior materials.
- Exterior material changes at a later date may require review by the Planning Commission and an amendment to the site plan review.
- The exterior materials and appearance of the rear and side walls of the building are similar to and compatible with the front of the building. It is recognized that the rear elevation has a larger amount of metal than the other elevations, however, the applicant is proposing masonry on the first floor and a masonry presence at the ends of the building on the upper floors.

Percentage of Exterior Materials per Elevation

Material	Allowed Max	North	South	East	West
Brick (face)	100%	73.3%	16.22%	77.75%	76.71%
Metal Panel	75%	N/A	56.77%	0.85%	0.94%
Stone	100%	7.9%	1.87%	4.43%	5.15%
Glass	100%	18.8%	25.16%	16.98%	17.2%

Windows – Meets requirements

- The project complies with the minimum window requirements.

Window Requirements for Residential Uses

Floor	Code		Proposed	
1st floor – north	20% minimum	78 sq. ft.	31%	123 sq. ft.
2nd floor and above	10% minimum	51 sq. ft.	28%	118 sq. ft.

Ground floor active functions – Meets requirements

- The project complies with the ground floor active functions requirements with 100 percent active functions along West 37th Street (48 linear feet).

Roof line – Meets requirements

- The principal flat roof line of the building would be similar to that of surrounding buildings.

Parking garages – Not applicable

- No parking garages are proposed as part of this project.

ACCESS AND CIRCULATION**Pedestrian access – Meets requirements**

- Clear and well-lit walkways at least four feet in width connect building entrances to the adjacent public sidewalk.

Transit access – Not applicable

- No transit shelters are proposed as part of this development.

Vehicular access – Not applicable

- The project is not proposing vehicle access to the site.

LANDSCAPING AND SCREENING**General landscaping and screening – Meets requirements**

- The project complies with the general landscaping and screening requirements. As a condition of approval, to comply with Section 530.160, the applicant shall provide the species of the proposed canopy trees and shrubs that comply with minimum planting requirements prior to building permit issuance.

Landscaping and Screening Requirements

Requirement	Required	Proposed
Lot Area	--	7,169 sq. ft.
Building Footprint	--	3,859 sq. ft.
Area Not Covered by Buildings	--	3,310 sq. ft.
Landscaped Area	662 sq. ft.	1,835 sq. ft.
Canopy Trees (1:500 sq. ft.)	2 trees	2 trees
Shrubs (1:100 sq. ft.)	7 shrubs	8 shrubs

Parking and loading landscaping and screening – Not applicable

- There is no vehicle surface parking proposed for the site, so the site is not subject to the screening and landscaping requirements for parking areas per section 530.170.

Additional landscaping requirements – Meets requirements

- The project appears to comply with the additional landscaping requirements in sections 530.180, 530.190, 530.200, and 530.210 of the zoning code.

ADDITIONAL STANDARDS**Concrete curbs and wheel stops – Not applicable**

- There are no surface parking spaces proposed on the site.

Site context – Meets requirements

- The proposed project would comply with the site context requirements.

Crime prevention through environmental design – Meets requirements

- The project complies with crime prevention through environmental design (CPTED) standards.

Historic preservation – Not applicable

- This site is neither historically designated or located in a designated historic district, nor has it been determined to be eligible for designation.

Applicable Regulations of the Zoning Ordinance

The proposed residential use is permitted in the OR2 District.

Off-street Parking and Loading – Meets requirements

- The project complies with the applicable vehicle parking, bicycle parking, and loading requirements.

Vehicle Parking Requirements Per Use (Chapter 541)

Use	Minimum	Reductions	Minimum	Maximum	Proposed
Residential Dwellings	12	Transit Incentives (12)	0	--	0

Bicycle Parking Requirements (Chapter 541)

Use	Minimum	Short-Term	Long-Term	Proposed
Residential Dwellings	6	--	Not less than 90%	6 long term 6 short term

Loading Requirements (Chapter 541)

Use	Loading Requirement	Loading Spaces	Proposed
Residential Dwellings	None	None	none

Building Bulk and Height – Meets requirements

- The proposed project would meet the applicable bulk and height requirements.
- The rooftop solar system complies with the requirement of Section 535.840. - Permitted uses and specific standards, subject to administrative review and approval.

Building Bulk and Height Requirements

Requirement	Code	Proposed
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Lot Area	--	7,169 sq. ft. / 0.16 acres
Gross Floor Area	--	13,494 sq. ft.
Max. Floor Area Ratio	2.5	1.9
Max. Building Height	4 stories or 56 feet, whichever is less	3 stories or 44 ft.

Lot and Residential Unit Requirements – Meets requirements

- The project would meet the applicable lot and residential unit requirements. The proposed dwelling units meet the minimum gross floor area requirement of 500 sq. ft. per unit or 350 sq. ft. per efficiency unit.
- There are less than 20 units proposed and the project is not subject to Inclusionary Zoning per section 535.90(a) of the zoning code.

Lot and Residential Unit Requirements Summary

Requirement	Code	Proposed
Lot Area	5,000 sq. ft. min.	7,169 sq. ft.
Lot Width	40 ft. min.	67 ft.
Impervious Surface Area	85% max. (6,094 sq. ft.)	78% (5,612 sq. ft.)
Lot Coverage	70% max. (5,018 sq. ft.)	54% (3,859 sq. ft.)
Dwelling Units (DU)	--	12 DUs
Net Residential Area	--	13,494 sq. ft.

Yard Requirements – Requires variance(s)

- The proposed building would meet the applicable yard requirements.
- The applicant has applied for a variance to allow a parking enclosure, trash enclosure, primary entrances, transformer, and ground level patios to be within the interior side and rear yard setbacks. See variance section above for the review of these variances.

Minimum Yard Requirements for the Proposed Building

Setback	Zoning District	Proposed
Front Yard Setback (North)	15 ft.	15 ft.
Interior Side (West)	9 ft.	9 ft.
Interior Side (East)	9 ft.	9 ft.
Rear (West)	9 ft.	21 ft.

Signs – Not applicable

- No signs are proposed at this time.

Screening of Mechanical Equipment – Requires variance(s)

- Mechanical equipment is subject to the screening requirements of Chapter 535 and district requirements. The applicant has applied for a variance to vary the screening requirements for a transformer. This variance is evaluated above.

Refuse Screening – Meets requirements

- Refuse and recycling storage containers are subject to the screening requirements in Chapter 535. The proposal is for a fully enclosed refuse and recycling area along the rear property line.

Lighting – Meets requirements with Conditions of Approval

- Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code.

Fences – Not applicable

- No fences are proposed.

Specific Development Standards – Not applicable

- A multiple-family building in the OR2 District does not include specific development standards.

Overlay District Standards – Not applicable

- The project site does not include an overlay district.

Applicable Policies of the Comprehensive Plan

The proposed use would be consistent with the applicable guidance and policies of *Minneapolis 2040 (2020)*:

Future Land Use	Guidance	Staff Comment
Corridor Mixed Use	Corridor Mixed Use serves a larger market area than Neighborhood Mixed Use, and may have multiple competing uses of the same type. Commercial zoning is appropriate, mixed use multi story development is encouraged, and contiguous expansion of commercial zoning is allowed.	The proposal for a three-story residential development is consistent with the future land use guidance. The proposed development will serve the Nicollet Avenue Goods and Services Corridor and commercial uses to the east.
Goods and Services Corridor	Guidance	Staff Comment
[Nicollet Avenue]	Goods and Services Corridors serve two purposes: 1) To indicate where commercial uses should front in relation to properties guided for commercial future land uses, and 2) In addition to the guidance for the mixed use land use categories found in this section, Goods and Services Corridors identify where the establishment or expansion of commercial uses can be considered. Properties immediately	The proposal is located just off of the Nicollet Avenue Goods and Services Corridor. The proposal would complement the Goods and Services Corridor in scale and scope.

	adjacent to a Goods and Services Corridor may be considered for commercial activity, allowing for uses similar in scale and scope to the Neighborhood and Corridor Mixed Use categories.	
Built Form	Guidance	Staff Comment
Corridor 6	New and remodeled buildings in the Corridor 6 district should reflect a variety of building types on both moderate and large sized lots. Building heights should be 2 to 6 stories. Building heights should be at least 2 stories in order to best take advantage of the access to transit, jobs, and goods and services provided by the Corridor 6 district. Requests to exceed 6 stories will be evaluated on the basis of whether or not a taller building is a reasonable means for further achieving Comprehensive Plan goals.	The three-story proposal is in compliance with the Corridor 6 Built Form Guidance.

The following policies and action steps from *Minneapolis 2040 (2020)* apply to this proposal:

Policy 1. Access to Housing: Increase the supply of housing and its diversity of location and types.

- a. Allow housing to be built in all areas of the city, except in Production and Distribution areas.
- c. Allow multifamily housing on public transit routes, with higher densities along high-frequency routes and near METRO stations.
- f. Encourage inclusion of units that can accommodate families in new and rehabilitated multifamily housing developments.

Policy 5. Visual Quality of New Development: Ensure a high-quality and distinctive physical environment in all parts of the city through building and site design requirements for both large and small projects.

- a. Allow and encourage a variety of architectural styles.
- c. Ensure that exterior building materials are durable, sustainable, create a lasting addition to the built environment, and contribute positively to the public realm and reflect existing context.
- d. Require that the appearance and materials of the rear and side walls of new buildings are similar to and compatible with the front of the building.
- e. Require adequate distribution of windows and architectural features in order to create visual interest.
- f. Consider design approaches that encourage creative solutions for transitions between varying intensities of building types and land uses.
- g. Apply design standards, guidance, and regulation consistently across the city regardless of market conditions or rent structure of development.
- h. Promote an attractive environment by minimizing visual clutter and confusion caused by a proliferation of signage; ensuring that signage is appropriately scaled to the pedestrian experience.
- i. Regulate the height and bulk of buildings as represented on the built form map.
- k. Encourage roof lines and upper levels of tall buildings to be articulated with a distinguishable design.

- m. Develop design guidance specific to encouraging high quality tall building construction.
- o. Regulate setbacks, orientation, pattern, materials, height, and scale of small-scale residential buildings to ensure consistency with built-form guidance and existing context.
- q. Prohibit driveways for new small scale residential buildings on blocks that have alley access.
- s. Balance visual quality of new development, including articulation of buildings, with energy efficiency of new buildings.

Policy 6. Pedestrian-Oriented Building and Site Design: Regulate land uses, building design, and site design of new development consistent with a transportation system that prioritizes walking first, followed by bicycling and transit use, and lastly motor vehicle use.

- a. Orient buildings and building entrances to the street. Encourage multiple entrances to multi-family residential buildings. The number of entrances in non-residential uses should increase in proportion to the length of the building and be located along main corridors or at the street corner.
- c. Require windows and window treatments on buildings that allow clear views into and out of the building.
- d. Ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive exterior walls through provision of windows, multiple entrance doors, green walls, and architectural details.
- f. Consider the arrangement of buildings within a site to minimize the generation of wind currents at ground level.
- g. Encourage building placement that where possible enables solar access and allows light and air into the site and surrounding properties and supports energy efficient lighting.
- h. Encourage building placement and massing design that considers the impact of shadowing, particularly on public spaces, recognizing that extreme seasons make shaded areas alternately desirable at different times of year.
- i. Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, curb extensions, street trees, street lighting, landscaping, street furniture, sidewalk cafes, and other elements of active pedestrian areas.
- k. Implement and expand regulations and incentives that promote bicycling, such as the provision of secured storage for bikes near building entrances, storage lockers, and changing and shower facilities.
- u. Encourage safe and convenient pedestrian connections through development sites and mid-block connections in the downtown core.
- x. Encourage building designs that reflect the unique site and context where they lie within the city.
- aa. Encourage openable doors, walls and windows on active first floors that create a connection between indoor and outdoor spaces, especially the public realm, during appropriate weather.

Policy 8. Public Safety Through Environmental Design: Use design principles that ensure a safe and welcoming environment when designing all projects that impact the public realm, including open spaces and parks, on publicly-owned and private land.

- a. Integrate “eyes on the street” concepts into building design through the use of windows to foster safer and more successful areas throughout the city.
- b. Orient new development to the street, or other public ways, to foster safe neighborhoods.
- c. Design the site, lighting, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

- d. Provide on-site, non-glare producing lighting at all building entrances and along walkways that maintains a minimum acceptable level of security while not creating excessive lighting of the site.
- e. Locate landscaping, sidewalks, lighting, fencing, and building features to clearly guide pedestrian movement on or through the site and to provide clear delineation between public and private spaces.
- f. Use innovative building designs, window locations, lighting, and landscaping to limit or eliminate the opportunity for vandalism.
- g. Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.
- i. Encourage the renovation of existing developments to conform to CPTED principles.

Alternative Compliance

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for alternative compliance. Alternative has not been requested for this project.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Jim Kumon of Heirloom Properties LLC, Jim Kumon for the properties located at 15 West 37th Street.

A. Variance to decrease the front yard setback.

Recommended motion: **Return** the variance to reduce the front yard setback along 37th Street West.

B. Variance to decrease the eastern interior yard setback.

Recommended motion: **Approve** the variance to reduce the eastern interior side yard setback from five feet to 0 feet to allow a bike shelter.

Variance to decrease the western interior yard setback.

Recommended motion: **Approve** the variance to reduce the western interior side yard setback from 15 feet to 9 feet to allow for two principal entrances facing the side lot line and from five feet to 0 feet to allow for ground level patios and a trash enclosure.

C. Variance to decrease the rear yard setback.

Recommended motion: **Approve** the variance to reduce the rear yard setback from five feet to 0 feet to allow for a trash enclosure, bike shelter transformer, and ground level patios.

D. Variance to vary the screening requirements for a transformer.

Recommended motion: **Approve** the variance to vary the screening requirements for a transformer, subject to the following conditions:

1. To meet the intent of Section 535.70 – Screening of mechanical equipment, a decorative vinyl wrap or equivalent decorative element shall be installed on all four sides of the transformer, as allowed by Xcel Energy.

E. Site Plan Review.

Recommended motion: **Approve** the site plan review to allow for a three-story, 12-unit apartment building, subject to the following conditions:

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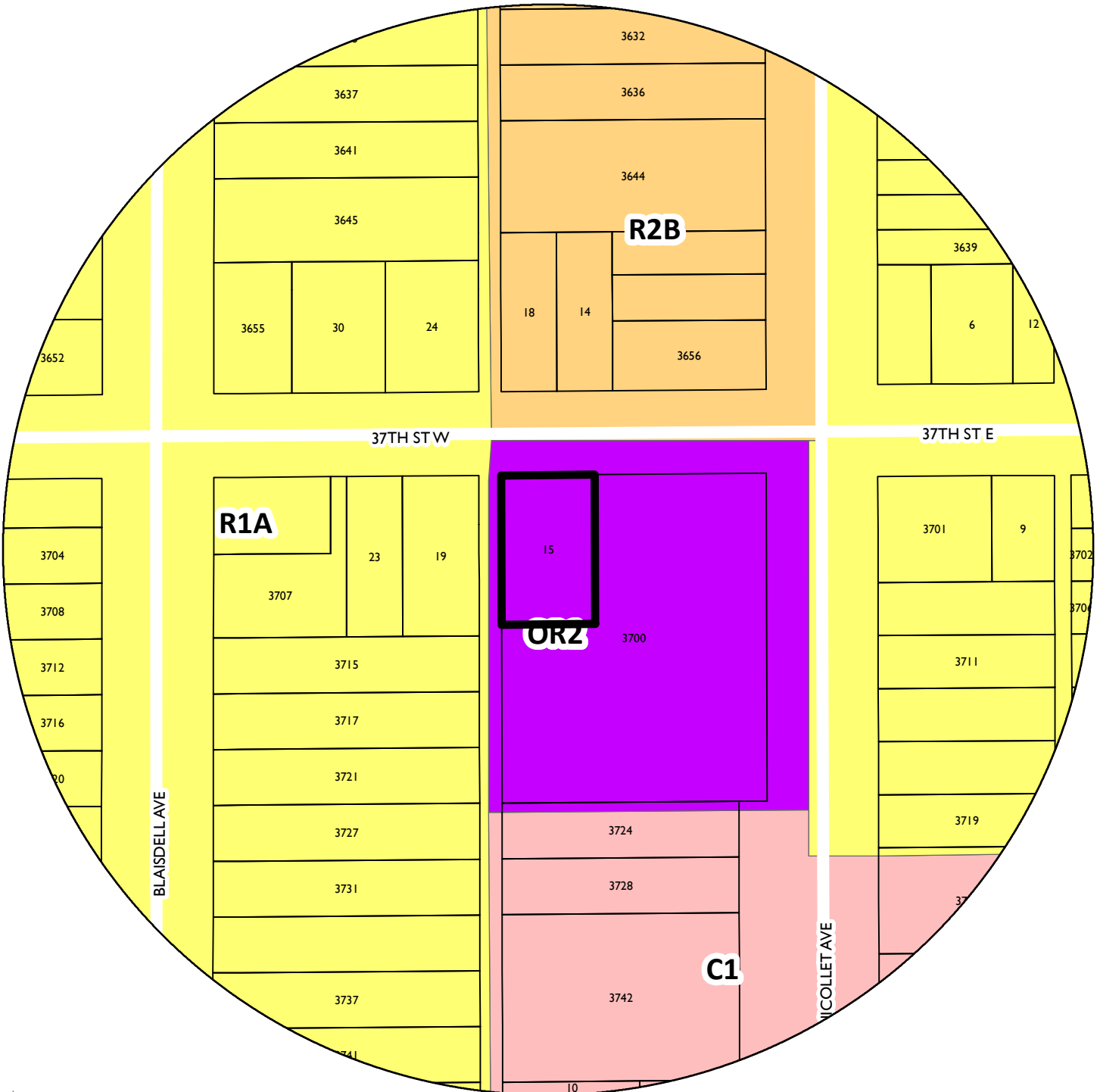
1. All site improvements shall be completed by November 16, 2022, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
3. To comply with Section 530.160, the applicant shall provide the species of the proposed canopy trees and shrubs that comply with minimum planting requirements prior to building permit issuance.

ATTACHMENTS

1. PLAN map
2. Written description and findings submitted by applicant
3. Survey
4. Site plan
5. Plans
6. Building elevations
7. Renderings
8. Photos

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
15 West 37th Street

FILE NUMBER
PLAN11755

HEIRLOOM PROPERTIES

Aaron Hanauer
City of Minneapolis – CPED
350 S. 5th Street
Minneapolis, MN 55415

September 28, 2020

Dear Aaron,

We are proposing a new three-story 12-unit residential building at 15 West 37th Street, a currently vacant lot behind Nicollet Square. Heirloom Properties would own and manage the residential units that would be primarily one- and two-bedroom units as well as two live-work spaces. As residents of Kingfield, we are excited to provide additional, much needed, housing to this under-utilized lot.

About the Site

The lot at 15 West 37th Street was created in the process of building Nicollet Square and it is still owned by a subsidiary of Beacon Interfaith Housing. Beacon has tried to sell the lot in the past for townhome developments but none of the previous proposals were able to assemble the required funding. The lot is 67' x 107', which is 7,169 square feet. This is about 1.5 times the size of a typical 40' x 122' residential lot in Kingfield which is 4,880. The site is zoned OR2 (Office Residential 2), which allows for a mix of office and residential uses and up to four stories or 56 feet. The required setbacks by code are 9' for the side and rear setback and 15' for the front setback. The site has also been informally considered a transitional zone between buildings on Nicollet Avenue to the interior of the neighborhood and so it would be natural for the building's size to be a compatible middle between Nicollet Square itself and the size of a typical two and a half story Kingfield House.

The attached drawing set of the proposed three-story building complies with all of the current requirements of the OR2 zone. Due to constraints on the site by surrounding properties and right of way, we are requesting alternative compliance to place the required canopy sized trees in the boulevard in the front of the building, where there are currently no trees whatsoever. This is in order to not interfere with Beacon's canopy trees hugging the property line to the east or powerlines to the west along the alley, and to not shade the solar array on the southern façade. Variances are being requested to allow for patio areas along the side and rear areas of the building to improve the livability of outdoor space for residents and provide a more actively monitored alley space which is equally enjoyable to the eye.

About the Building

The 12-unit plan includes four 2-bedroom units, six 1-bedroom units, one studio unit and one 5-bedroom multi-level unit. Two units will include live-work spaces, both of which occupy the ground floor facing 37th Street. The building is approximately 13,500 total square feet.

The façade of the proposed building would be primarily brick with metal siding on the upper floors of the rear façade that faces south (which is planned to have solar photovoltaic thin film on it). There are enclosed structures in the rear of the site for each bike parking and trash/recycling. We are planning to install solar on the roof of the building either concurrent with construction or after construction completion if it is financed separately. While there are no requirements for stormwater management on

HEIRLOOM PROPERTIES

the site, partnered with KFNA, we have successfully obtained a grant to MWMO for a stormwater planning grant to design an innovative stormwater management system appropriate to serve small scale multi-family buildings.

Proposed Schedule

We have a Purchase Agreement with the owner of the site, Beacon Interfaith Housing. We are submitting a land use application in September and anticipate that we will be before the Planning Commission in November. We anticipate a spring 2021 construction start and building opening in early spring 2022.

The KFNA Redevelopment Committee reviewed the project on August 18 and we are working to schedule a public neighborhood meeting in October. A notification letter to CM Jenkins in Ward 8 was submitted on September 28.

Please let us know if you have any questions.

Sincerely,

Jim & Faith Kumon
Principals
Heirloom Properties, LLC
612-454-0205

Attachments:

- Land Use Application Form
- Copy of Letter submitted to Ward 8 CM
- Copy of Letter submitted to Kingfield Neighborhood Association
- Letter of concurrence from existing property owner to allow application
- Request for Variance / Alternate Compliance - Statement by Owner
- Planning Commission Drawing Set 11x17 to scale (including site plan/landscape plan, elevations, floor plans and photos of property)
- Planning Commission Drawing Set - Letter Size Copy
- Civil Survey/Site Plan
- Civil Survey/Site Plan – Letter Size Copy

**Sundial Building
Request for Variance
15 West 37th Street - Minneapolis**

Requested Variances / Alternative Compliance – Applicant Statement
Applicant: Heirloom Properties, LLC - Jim and Faith Kumon

Overview

15 West 37th Street is a lot that was created about a decade ago as a part of the Nicollet Square mixed use project where the existing parcel was sub-divided. Due to this, the lot has unusual characteristics different than the standard platting of most Minneapolis blocks and lots. These include:

- A lot depth of 107 feet deep compared to a standard lot that is 125 feet
- Greater alley frontage along a property line compared to other developments as the alley runs along the entire west property line.
- A project site surrounded by surface parking on neighboring properties (to the east/south) and an alley (to the west) instead of green space on other residential lots. This results in the property standing at a considerable distance from other structures: As measured to the property line, 28' to nearest structure to the west, 80' to the north, 66' to the east and 100'+ to the south (the next property south of Nicollet Square).

These factors lead to the conditions by which the variances are requested to provide reasonable accommodation but also mean any potential impacts of said accommodation are limited because the property/building stand an unusually far distance from those who could be impacted.

There are four requested variances and one requested alternative compliance.

Variances:

- Side doors in side yard
- Side patio size and location in the side setback
- Rear patio size and location in the rear setback
- Covered trash enclosure and covered bike storage in rear and side setbacks

Alternative Compliance

- Canopy tree location

Each item includes a description of the conditions surrounding the request for variance and accompanying renderings to show the physical situation.

1) Side doors in the side yard

Code Excerpt:

535.250. - Interior side yards for dwellings with side entrances.

The minimum width of interior side yards for all multiple-family dwellings, single- and two-family dwellings, or cluster developments with a principal entrance facing the interior lot line, shall be not less than fifteen (15) feet, and the minimum width of said interior side yard plus any driveway shall not be less than twenty-two (22) feet, unless a greater width is required by the regulations governing interior side yards in the district in which the structure is located.

On the western elevation facing the alley, there are two doors that are connected to residential units which are used to access outdoor patios that will be private to each respective unit. While all the primary access doors to residential units are from the inside of the building along the accessible path of ingress/egress, these two doors have been deemed by city staff as ‘potentially principal’ and therefore in violation of the clause above. The doors stand in the building wall at 9’ feet from the property line, which is the same as the required side setback for the building as a whole. They can be seen in the renderings in Variance #2.

The applicant requests variance under condition 3 – The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The intent of providing the door and accompanying patio is to activate side of the building facing the alley which will provide positive benefits of additional eyes on the street/alley for security and human scaled detail along the longest side of the building. It improves the livability of the ground floor units by allowing residents direct access to the outdoors. It will not be injurious to neighbors as the doors are 43’ feet from the nearest wall of the duplex to the west across the alley. This adjacent structure also has a side facing door to the alley and the property has a fence running most of the length of the property located about half way between the structure and the property line.

2) Side patio size and location in the setback

Code Excerpt:

535.280. - Obstructions in required yards.

(a) In general. All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than four (4) feet into the required yard. Such balcony, deck or ground level patio may project into a required interior side yard of a multiple-family dwelling of four (4) or more stories, provided such balcony, deck or ground level patio shall be located no closer than ten (10) feet from the interior side lot line. Ground-level patios up to one hundred (100) square feet, constructed of decorative concrete, pavers or stone, may extend more than four (4) feet into the required front yard accessory to single-, two-, or three-family dwellings provided the patio is located not less than ten (10) feet from a public sidewalk and shall be designed in a manner that would prevent the patio from being used for off-street parking.

The proposed side patios are 8' W by 15' L for a total of 120 sf. This size allows for a table and chairs to be setup on the patio and an appropriate amount of room for circulation and access to the door to the unit. The furniture and raised beds would be seasonal and removed in the winter to accommodate snow storage from the alley. The closest edge of the patio is 35' from the structure across the alley.

The rendering below shows the allowable area of 50 sf inside a red lined box, approximately 7' x 7' in size.



Close of up view of the ground level patios from alley



View south down alley from 37th Street, noting 35' distance to duplex

The applicant requests variance under condition 3 – The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The intent of providing the door and accompanying patio is to activate side of the building facing the alley, providing positive benefits of additional eyes on the street/alley for security and human scaled detail along the longest side of the building. It improves the livability of the ground floor units by allowing residents direct access to the outdoors. It will not be injurious to neighbors as the patio is 35' feet from the nearest wall of the duplex to the west across the alley. This adjacent structure also has a side facing door to the alley and the property has a fence running most of the length of the property located about half way between the structure and the property line.

3) Rear patio size and location in the setback

Code Excerpt:

535.280. - Obstructions in required yards.

(a) In general. All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

Balconies, decks and ground level patios not exceeding fifty (50) square feet in area and projecting not more than four (4) feet into the required yard. Such balcony, deck or ground level patio may project into a required interior side yard of a multiple-family dwelling of four (4) or more stories, provided such balcony, deck or ground level patio shall be located no closer than ten (10) feet from the interior side lot line. Ground-level patios up to one hundred (100) square feet, constructed of decorative concrete, pavers or stone, may extend more than four (4) feet into the required front yard accessory to single-, two-, or three-family dwellings provided the patio is located not less than ten (10) feet from a public sidewalk and shall be designed in a manner that would prevent the patio from being used for off-street parking.

There is a 4' rear side walk that runs parallel to the building in order to access the trash enclosure and covered bike storage area. This walkway is outside of the rear setback zone and is necessary for proper usage of those structures. Thus the 'patio' as defined in this instance is the concrete and pervious brick paver area that is 12' wide and 35' long between the structures for a total of 420 sf (includes a unusable 35 sf area for building's transformer). Due to the shallow nature of the lot, nearly the entirety of the patio is in the rear setback. The patio area is proposed to be a seasonal amenity to residents, with moveable furniture and moveable raised pots/beds that can be cleared to allow for efficient snow plowing and snow storage in the winter. An example of such pavers is shown at right.



The applicant requests variance under condition 3 – The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.



Closeup view of rear patio – inclusion of pervious brick pavers to aid in absorption of surface stormwater



View from Nicollet Square Parking Lot

Because the Nicollet Square parking lot takes up the entirety of the lot area to the south of the south property line and the properties across the alley have their garages in close proximity, there is considerable isolation of this patio from surrounding properties. Heirloom Properties is working with the Kingfield Neighborhood Association and neighbors/businesses to be able use this area for art installations and murals. A planning grant from MWMO has been obtained for designing advanced stormwater management techniques on the site.

4) Covered Bike Storage and Trash Enclosure in the side and rear setback

The bike storage and trash enclosure are two structures located in the rear and side setback at the SE and SW corners of the property.

The applicant requests variance under condition 1 – Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. In particular these parameters include the lot being shorter than a standard city lot (107' vs 125') and the unique alley access running along the side versus rear of property, resulting in a very limited area for the trash enclosure to be located in order to be accessible to trash trucks.

While city staff has suggested that the structures require a variance, it is unclear which code section more specific than 535.280(a) that precludes obstructions for the uses proposed in the structures. The structures are at least 1' from both the side and rear property lines and will have doors facing into the property area to keep from encroaching the adjacent parcels or right of way. Below are the related code sections.

Accessory Structure Provisions (Chapter 537): There do not appear to be accessory structure definition that addresses or prohibits such uses of covered bike or trash areas in OR-2 Districts.

Yard Provisions (535.280, see below): Because there is no habitable structure on the adjacent lots within 10', there does not appear to be any provision that prohibits the location of the structures. It appears it is allowable within 1' of the property line (in each direction). When looking at the bicycle rack (Permitted in Front and Rear) and containers for refuse (Permitted in Side and Rear), the proposed location complies.

535.280. - Obstructions in required yards.

(a) In general. All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

(b)

Permitted obstructions. Accessory uses and structures and projections of the principal structure may be located in a required yard only as indicated by a "P" for permitted in Table 535-1 Permitted Obstructions in Required Yards.

(d)

Interior side yards for detached buildings accessory to dwellings. The interior side yard requirement for a detached accessory building may be reduced to one (1) foot when the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, provided that the accessory building shall be located not less than ten (10) feet from any habitable portion of a principal structure on the adjoining lot. Further, the required side yard for a detached accessory building may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet. Where the interior side yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

(e)

Rear yards for detached buildings accessory to dwellings. The rear yard requirement for a detached accessory building may be reduced to one (1) foot, except where vehicle access doors face the rear lot

line, in which case no reduction of the required yard is permitted. Further, where a rear yard abuts a required side yard no reduction of the required yard is permitted unless the entire accessory building is located in the rear forty (40) feet or rear twenty (20) percent of the lot, whichever is greater, and is located behind the rear wall of the principal structure on the adjacent property to the rear. The required yard along such adjacent property may be eliminated where adjoining property owners construct detached garages sharing a common wall and which are located in the rear forty (40) feet of both properties. Where the rear yard is reduced, eaves, including gutters, shall not be less than six (6) inches from the property line, except where a common wall is allowed.

PROPOSED ALTERNATIVE COMPLIANCE

5) Location of required canopy trees (2)

Per the landscape requirements, we are required to have 2 canopy trees. There are currently no canopy trees in the front boulevard as they were diseased and removed about 10 years ago. There are constraints to planting mature canopy trees on the east (canopy trees on adjacent property) and west (power lines along alley) sides of the site. Because of the designed solar PV array on the south side, shading the building would diminish solar access. The proposed alternative is to put the canopy trees in the boulevard. This allows the trees to have better solar access not being in the direct shadow of the building. This location would also more properly shade 37th Street in the summer thereby reducing heat island effect. Two additional small trees that would have maximum heights of 12-18' are proposed in each of the corners of the front yard of the building.

The applicant requests variance under condition 1 – Practical difficulties exist in complying with the ordinance because of circumstances unique to the property.



Looking Southwest from 37th Street Sidewalk - This shows trees at their mature growth of 25-35 ft. The trees to the left are actually on the adjacent parcel but their canopies would impose on the east property line, thus making it inappropriate to put more canopy trees on our side of the line. Smaller 12-20 ft trees are proposed in the side yards of the building on project site.



Looking Southeast – View of Utility Poles precluding mature trees on the west side yard. Multiple lines exist at around 20’

The applicant has contacted the park board to obtain a list of appropriate trees allowable in the boulevard to increase species diversity. The approved tree proposed is a Prairie Statue Oak which has a similar shape to that shown in the rendering.

THE SUNDIAL APARTMENTS

15 WEST 37TH STREET
MINNEAPOLIS, MINNESOTA



TABLE OF CONTENTS

- A0 - COVER SHEET
- A1 - PROJECT VICINITY MAP
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- A5 - SECOND,THIRD & ROOF PLANS
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- A8 - WEST ELEVATIONS
- A9 - ACCESSORY BUILDING ELEVATIONS
- A10 - BUILDING SECTION
- A11 - EXTERIOR BUILDING MATERIAL SAMPLES




PRELIMINARY DEVELOPMENT REVIEW (PDR) PACKAGE
PRESENTED TO PLANNING COMMISSION



COVER PAGE





 1 CONTEXT MAP & SITE PHOTOS
A2 SCALE: NOT TO SCALE

FABRICK
DESIGN

CONTEXT MAP & SITE PHOTOS

© 2020 - FABRICK DESIGN, LLC | PROJECT: THE SUNDIAL APARTMENTS

CLIENT/OWNER: HEIRLOOM PROPERTIES, LLC

ADDRESS: 15 WEST 37TH STREET
MINNEAPOLIS, MINNESOTA

DATE: 20 OCTOBER 2020

A2

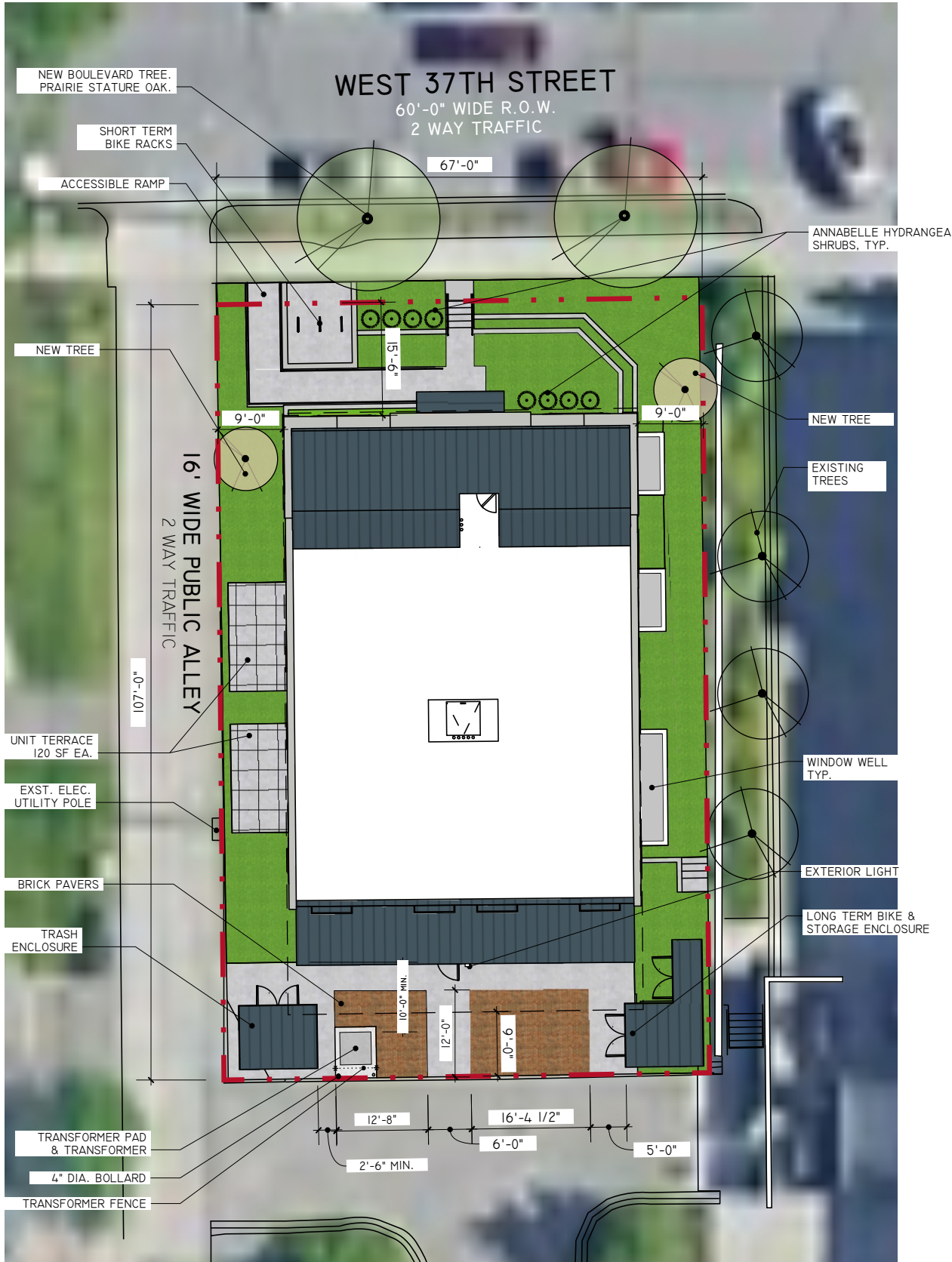
PROJECT DATA

BUILDING AREA:
ABOVE GRADE SF:

10,201.1 SF
3,643.7 SF (GROUND FLR. - EXCLUDES BIKE/TRASH ENCLOSURES)
3,278.7 SF (SECOND FLR.)
3,278.7 SF (THIRD FLR.)
3,293.1 SF
13,494.2 SF (ABOVE + BASEMENT)

BASEMENT SF (NON-F.A.R.)
TOTAL BLDG. AREA:

SITE/LOT INFORMATION	ALLOWABLE	PROPOSED	NOTES
SITE AREA	N/A	7,169 SQUARE FEET	
	N/A	0.165 ACRES	
LOT WIDTH	N/A	67 FEET	
LOT DEPTH	N/A	107 FEET	
ZONING DISTRICT			
BASE ZONE	OR2 - HIGH DENSITY OFFICE/RESIDENCE DISTRICT	OR2 DISTRICT	
OVERLAY			
HISTORIC DISTRICT	N/A	N/A	
LAND USE	RESIDENTIAL	RESIDENTIAL	
FLOOR AREA RATIO			
FAR - SQUARE FOOTAGE	17,922.5 SF	10,416.8 SF	*ONLY INCLUDES FLRS. 1-3 + 215sf FOR BIKE/TRASH ENCLOSURES
F.A.R - RATIO	2.50	1.45	
MAXIMUM HEIGHT & STORIES			
BUILDING HEIGHT	56' MAX.	35'-2"	43'-0" TO THE TOP OF PARAPET
# OF STORIES	4 STORIES	3 STORIES	ABOVE GRADE STORIES
LOT OCCUPANCY			
MAX. LOT COVERAGE	70%/5,018.30 SF	53.8% - 3,859.39 SF	*INCLUDES BUILDING COVERAGE, BIKE STORAGE & TRASH ENCLOSURE
MINIMUM PERVIOUS AREA	15%/ 1,075.35 SF	25.6% - 1835 SF	
YARD SETBACKS			
FRONT YARD SETBACK	15'-0" MIN.	15'-6"	
SIDE YARD SETBACK	9'-0" MIN.	9'-0"	*BOTH SIDE YARDS
REAR YARD SETBACK	9'-0" MIN.	9'-0"	
OFF-STREET PARKING			
MINIMUM SPACES	0	0	
BIKE PARKING			
SHORT TERM PARKING	1 BIKE SPOT	6 BIKE SPOTS	
LONG TERM PARKING	6 BIKE SPOTS	6 BIKE SPOTS	
LANDSCAPE REQUIREMENTS			
NON-BLDG. SITE AREA	N/A	3,309.6 SF	* AREA OF LOT LESS THE AREA OF BLDG
20% LANDSCAPING FACTOR	N/A	661.9 SF	3,309.6 X 20% = 661.9 SF
REQUIRED CANOPY TREES	2 CANOPY TREES	2 CANOPY TREES	661.9 SF/500 = 1.32 (ROUNDED TO 2)
REQUIRED SHRUBS	7 SHURBS	8 SHRUBS	661.9 SF/100 = 6.62 (ROUNDED TO 7)



NOTE: ROOF SOLAR PANELS NOT SHOWN TO FOCUS ON SITE MATERIALALITY. SEE SHEET A5 FOR SOLAR PANEL LAYOUT



I
A3 ARCHITECTURAL SITE PLAN
SCALE: 1" = 20'-0"

FABRICK
DESIGN

ARCHITECTURAL SITE PLAN

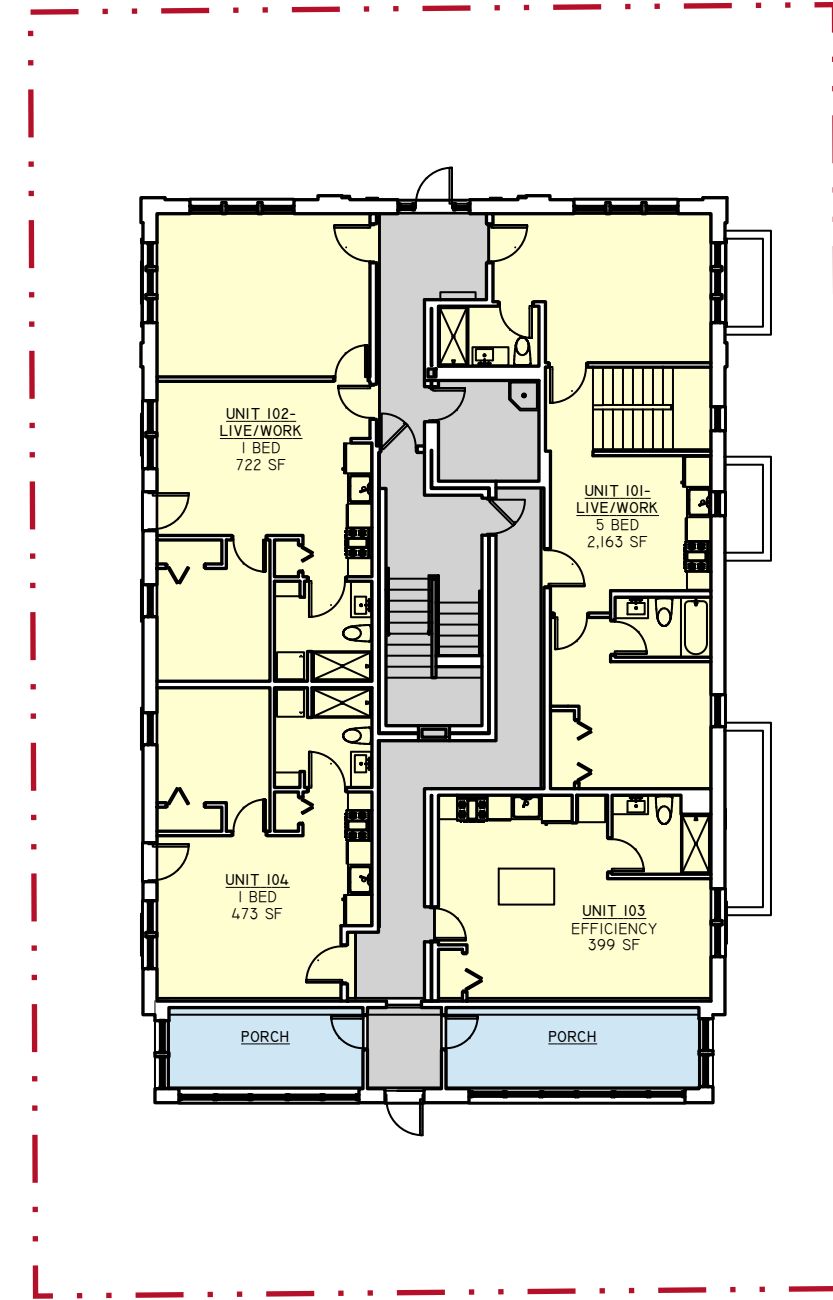
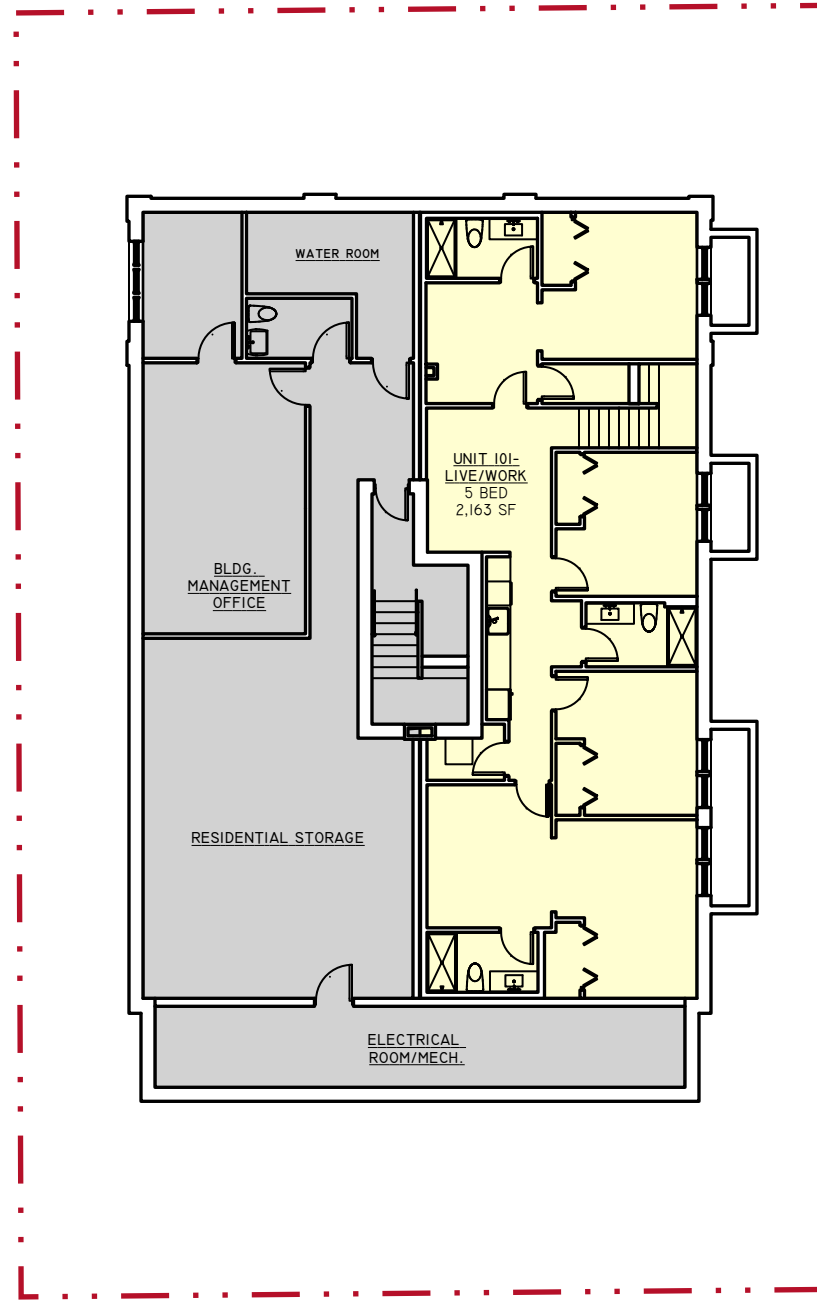
DATE: 20 OCTOBER 2020

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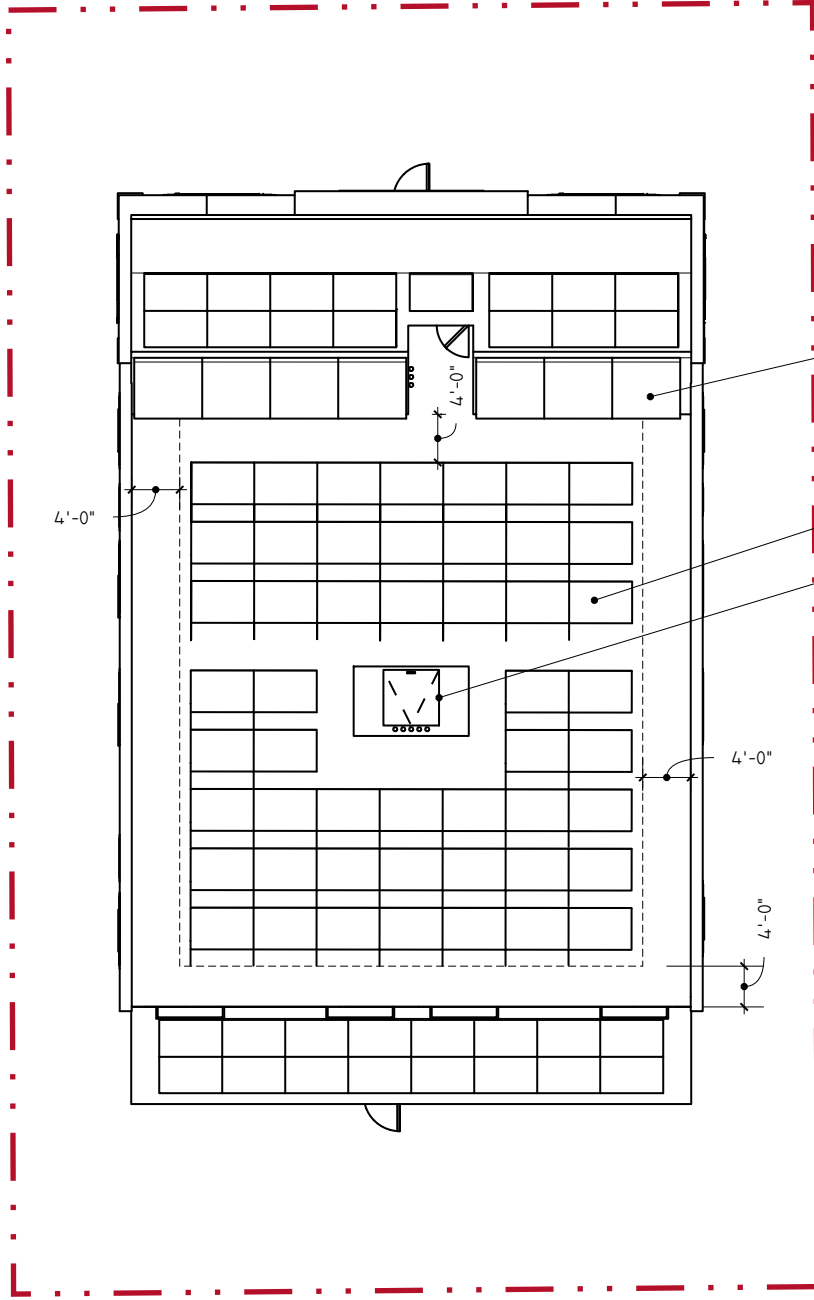
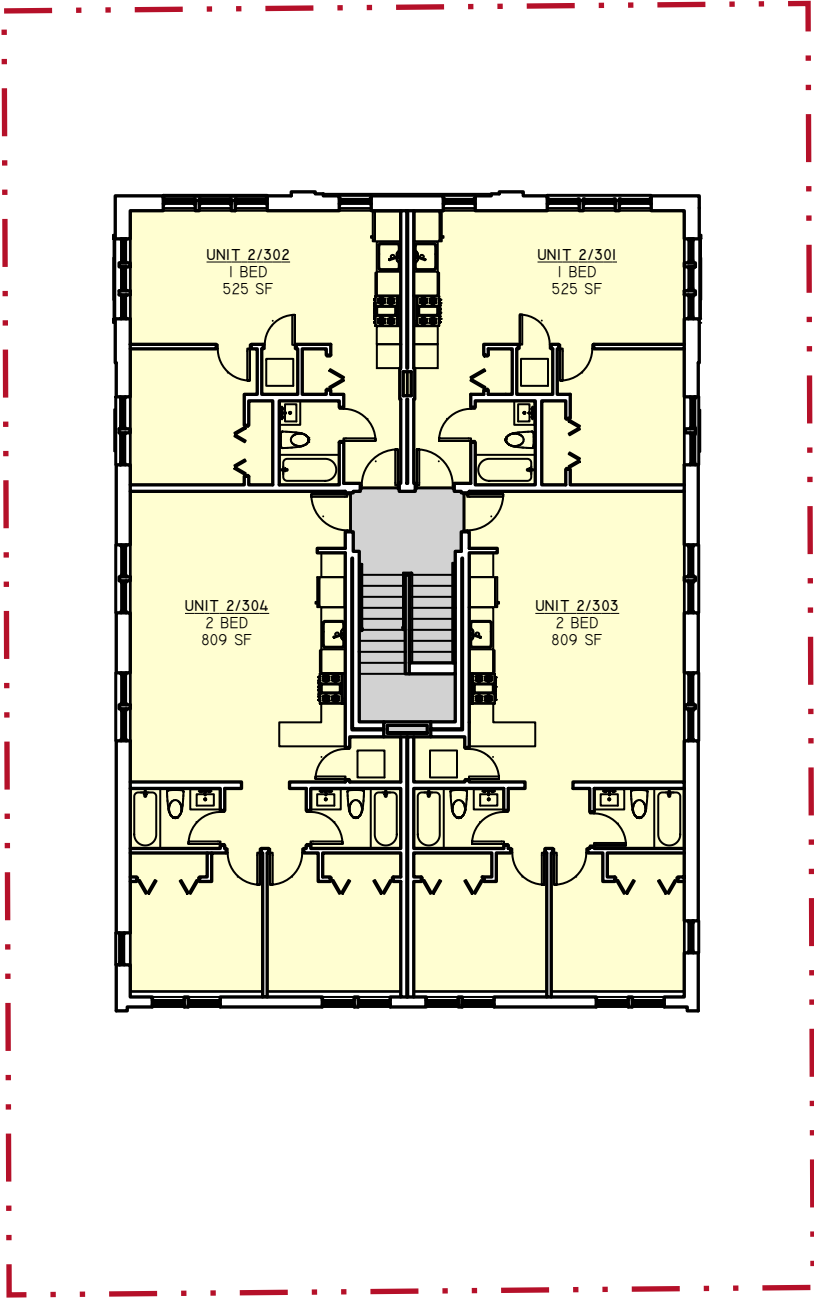
A3



- LEGEND**
- RESIDENTIAL
 - CIRCULATION/SERVICE
 - COMMON AREAS
 - PROPERTY LINE

1
A4 BASEMENT FLOOR PLAN
SCALE: 3/32" = 1'-0"

2
A4 GROUND FLOOR PLAN
SCALE: 3/32" = 1'-0"



SOLAR THERMAL PANELS

SOLAR PHOTOVOLTAIC PANELS

FIRE RATED ROOF ACCESS HATCH

LEGEND

- RESIDENTIAL
- CIRCULATION/SERVICE
- COMMON AREAS
- PROPERTY LINE

1 SECOND & THIRD FLOOR PLAN
A5 SCALE: 3/32" = 1'-0"

2 ROOF PLAN
A5 SCALE: 1/16" = 1'-0"



2 NORTH ELEVATION
A6 SCALE: 3/32" = 1'-0"

BRICK MASONRY	1,532.71 SF	73.3%
PRECAST STONE	164.52 SF	7.9%
GLAZING/FENESTRATION	394.91	18.8%
TOTAL	2,092.14 SF	100%



1 SOUTH ELEVATION
A6 SCALE: 3/32" = 1'-0"

BRICK MASONRY	298.44 SF	16.22%
METAL PANEL	1,044.53 SF	56.77%
PRECAST STONE	33.88 SF	1.84%
GLAZING/FENESTRATION	462.95 SF	25.16%
TOTAL	1,839.8 SF	100%



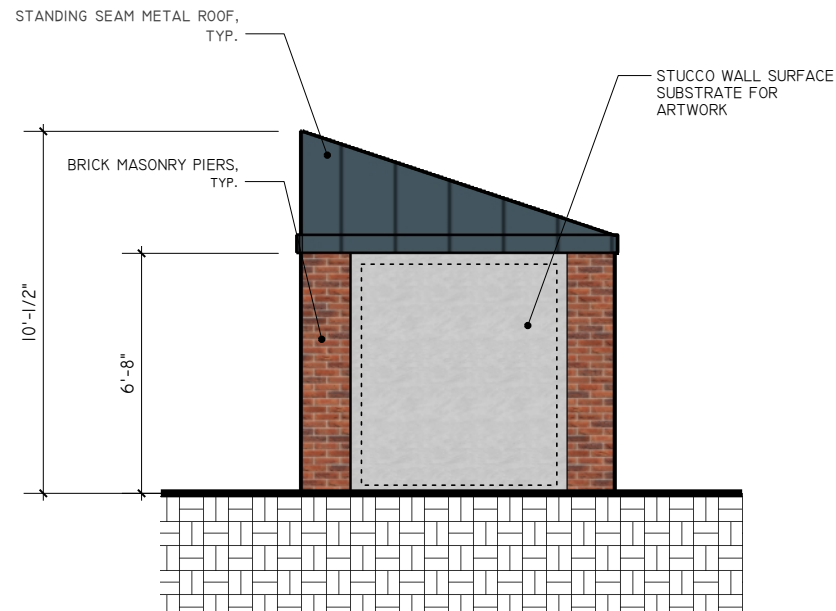
I EAST ELEVATION
A6 SCALE: 3/32" = 1'-0"

BRICK MASONRY	2,226.53 SF	77.75%
METAL PANEL	24.31 SF	0.85%
PRECAST STONE	126.77 SF	4.43%
GLAZING/FENESTRATION	486.2 SF	16.98%
TOTAL	2,863.81 SF	100%

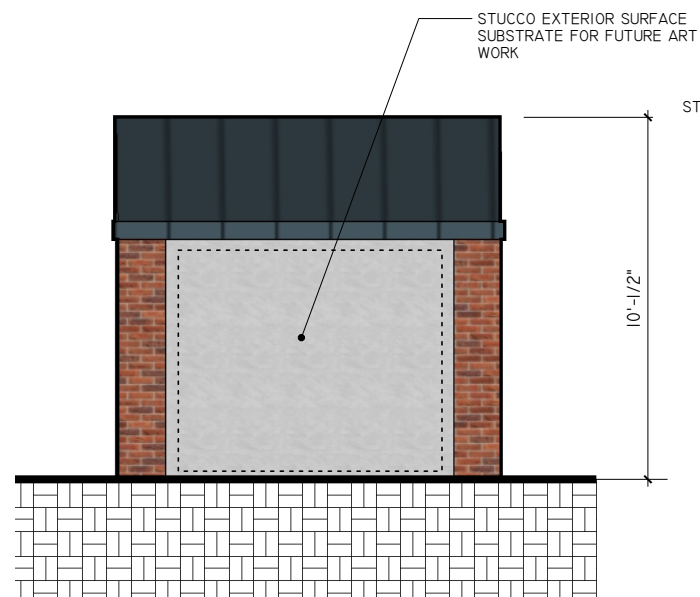


I WEST ELEVATION
A8 SCALE: 3/32" = 1'-0"

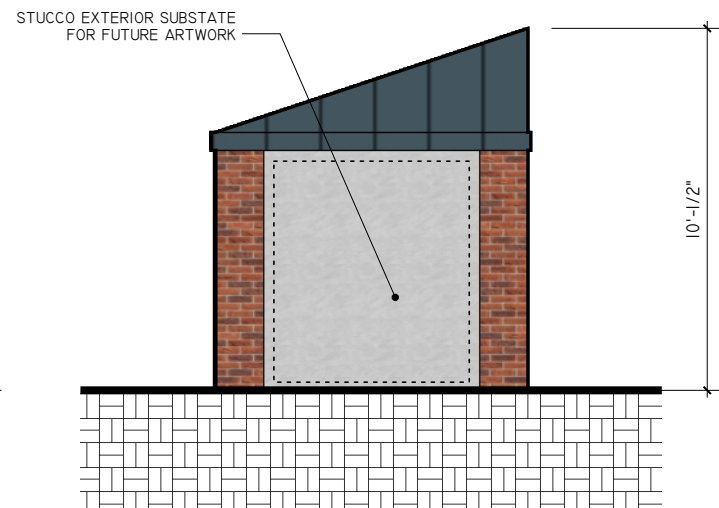
BRICK MASONRY	1,978.6 SF	76.71%
METAL PANEL	24.31 SF	0.94%
PRECAST STONE	132.71 SF	5.15%
GLAZING/FENESTRATION	443.74 SF	17.2%
TOTAL	2,579.36 SF	100%



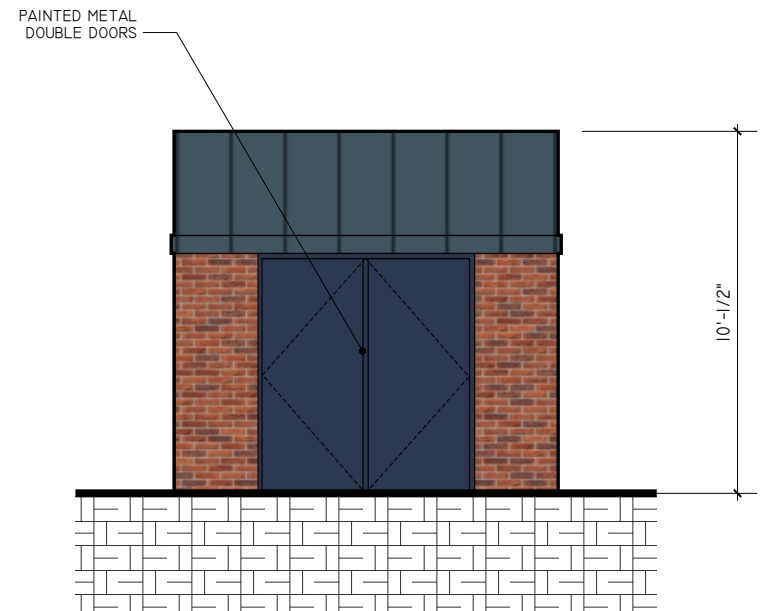
8 TRASH ENCLOSURE ELEV. - WEST
A9 SCALE: 3/16" = 1'-0"



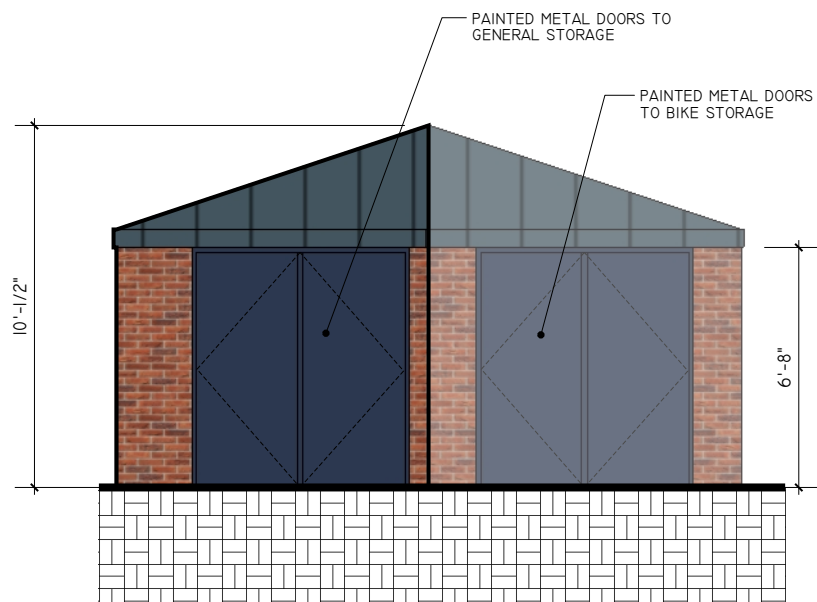
7 TRASH ENCLOSURE ELEV. - SOUTH
A9 SCALE: 3/16" = 1'-0"



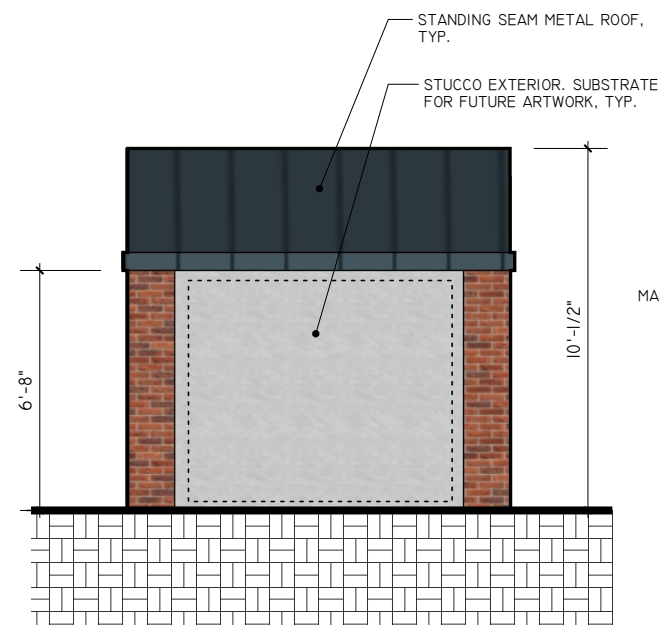
6 TRASH ENCLOSURE ELEV. - EAST
A9 SCALE: 3/16" = 1'-0"



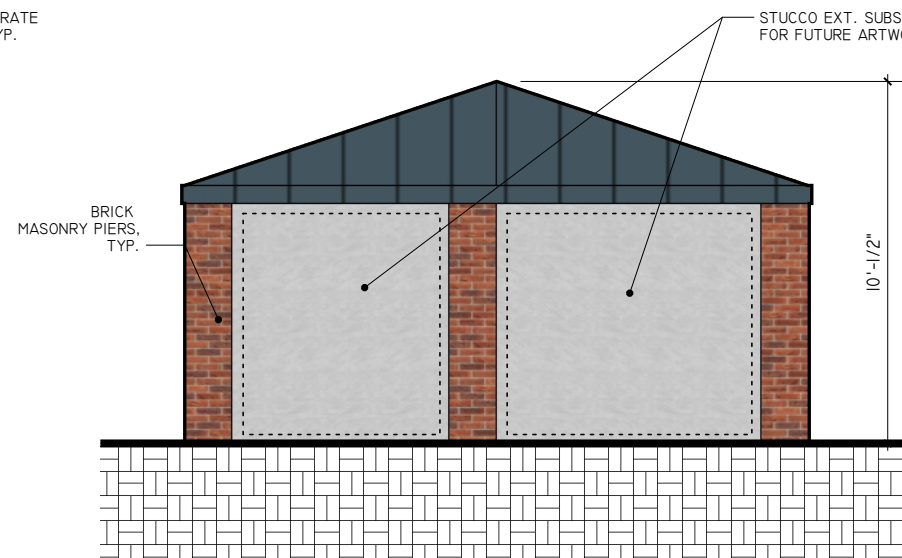
5 TRASH ENCLOSURE ELEV. - NORTH
A9 SCALE: 3/16" = 1'-0"



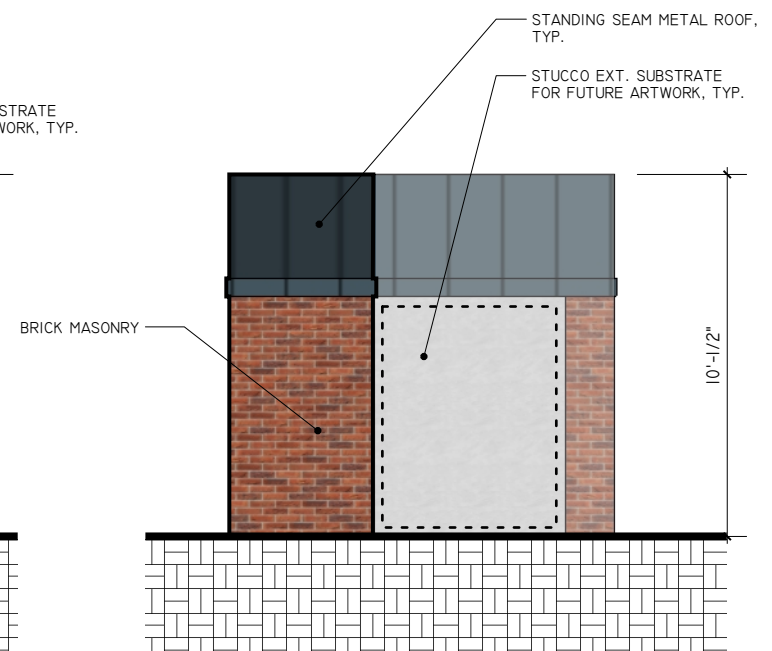
4 BIKE/STORAGE ENCLOS. - WEST
A9 SCALE: 3/16" = 1'-0"



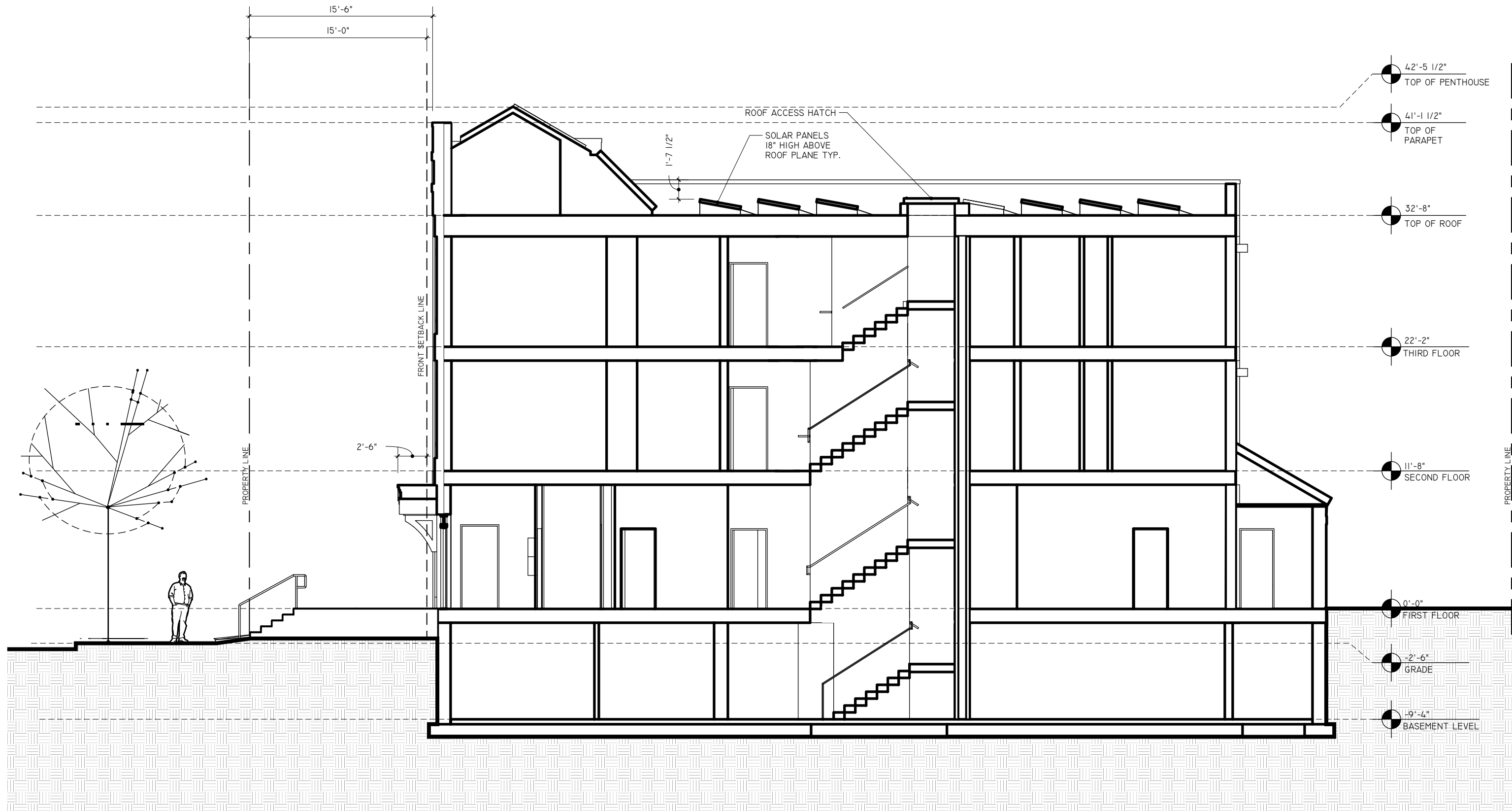
3 BIKE/STORAGE ENSLOS. - SOUTH
A9 SCALE: 3/16" = 1'-0"

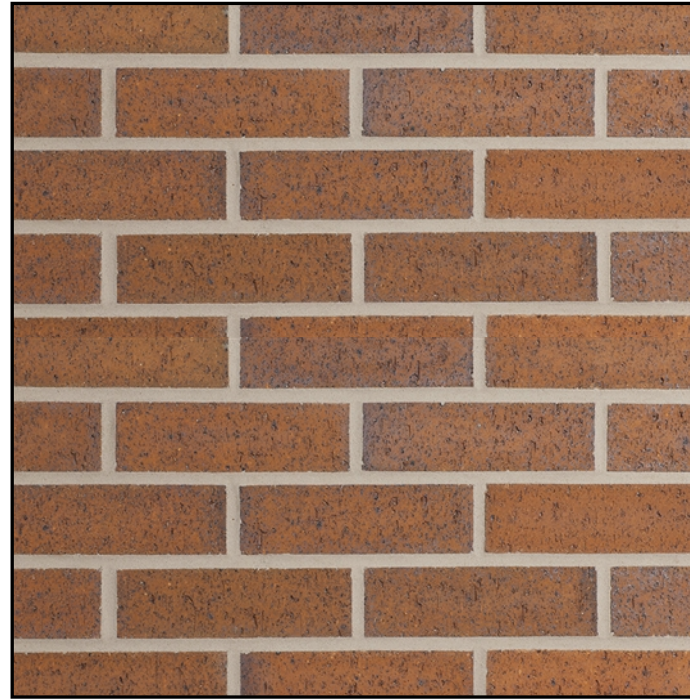


2 BIKE/STORAGE ENCLOS. - EAST
A9 SCALE: 3/16" = 1'-0"



1 BIKE/STORAGE ENCLOS. - NORTH
A9 SCALE: 3/16" = 1'-0"





GLEN-GERY

SIoux CITY BRICK COLLECTION
COPPERTONE VELOUR
MODULAR FACE BRICK
3 5/8" X 2 1/4" X 7 5/8"



READING ROCK-CAST STONE

ROCK CAST SERIES
CHARLOTTE TAN
HEADERS, SILLS, WATER TABLE, &
WALL COPING



STANDING SEAM METAL - PAINTED

ALUMINUM
REGAL BLUE PAINT FINISH